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**KNOBLE & YOSHIDA, LLC**  
**Eight Penn Center, Suite 1350**  
**1628 John F. Kennedy Blvd.**  
**Philadelphia PA 19103**

In re Application of :  
Sunao KAKIZAKI et al. :  
Application No. 09/848,916 :  
Filed: May 4, 2001 :  
Attorney Docket No. HITACHI-0015 :

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**SEP 20 2005**

**OFFICE OF PETITIONS**  
**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed September 2, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 24, 2005, which set a shortened statutory period for reply of three (3) months. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on May 25, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination, and the \$790 filing fee; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office Action of January 24, 2005 is accepted as having been unintentionally delayed.

Since the above-identified application is not a utility or plant application filed before June 8, 1995, a terminal disclaimer under 37 CFR 1.137(d) is not required. The terminal disclaimer fee of \$130 is being credited to Deposit Account No. 50-0462

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.

The application file is being referred to Technology Center AU 2638 for appropriate action on the concurrently filed amendment.

Brian Hearn  
Petitions Examiner  
Office of Petitions